

EXHIBIT 3

KEITH BROWN
July 03, 2023

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JUSTIN GUY, individually and
on behalf of those similarly
situated,

Plaintiff,

vs.

Case No. 20-cv-12734-MAG-EAS

Hon. Mark A. Goldsmith

ABSOPURE WATER COMPANY, LLC,
a domestic limited liability
company,

Defendant.

The Remote Deposition of KEITH BROWN,
Commencing at 10:04 a.m.,
Monday, July 3, 2023,
Before Helen F. Benhart, CSR-2614,
Appearing remotely from Wayne County, Michigan.

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1 REMOTE APPEARANCES:

2
3 ANDREW R. FRISCH

4 Morgan & Morgan, P.A.

5 8151 Peters Road

6 Suite 4000

7 Plantation, Florida 33324

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10 Appearing on behalf of the Plaintiff.

11
12 MICHAEL O. CUMMINGS

13 Cummings, McClorey, Davis & Acho, P.L.C.

14 1185 Avenue of the Americas

15 Third Floor

16 New York, New York 10036

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18 mcummings@cmda-law.com

19 Appearing on behalf of the Defendant.

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1 A. We have a fuel tank in the back area where the trucks
2 are. Where the trucks sit is a big fuel tanker out
3 there that we pull up and fuel up if we need gas.

4 Q. Again, when did you typically fill your truck?

5 A. It would be in the morning when we first get our
6 trucks.

7 Q. Did you do that for every time you drove?

8 A. No. I would do it every maybe like two to three days
9 because, like I said, I was kind of locally and I was
10 sitting around at a lot of buildings for my day. I
11 wasn't just driving nonstop so I didn't have to fuel
12 up every day.

13 Q. Okay. How were -- during this time frame, late 2017
14 to the time you ended, how were you paid? How was
15 your pay calculated by Absopure?

16 A. We were commission so it goes off -- it guess it goes
17 off how much water we sell throughout the day, how
18 much product we sell.

19 Q. I'm going to put up another document for you. Just
20 give me a minute. Okay. Can you see a document in
21 front of you?

22 A. Yes.

23 Q. Do you -- and I will put for the record, if you give
24 me a minute, the document that has been produced in
25 this case is -- bears Bates numbers 4401 through 4429,

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1 breakdown. I never did. I never really like paid
2 attention to that stuff. I just -- the only thing I
3 did was write down what they told me how much I made
4 that day.

5 Q. What is your understanding of how you -- you said you
6 were paid commission. How that commission was
7 calculated, what's your understanding of that?

8 A. I know we got a certain percentage of whatever we
9 deliver so everybody paid a different amount for the
10 water and we got a certain amount of a percentage of
11 what we sold, whatever we delivered to that stop. So
12 if a stop took eight bottles, we would get -- you
13 know, if the total was \$64 for the eight bottles, we
14 got a percentage off those 64 bottles I guess.

15 Q. The percentage was off the amount of the sale, is that
16 correct?

17 MR. FRISCH: Objection. He said it was
18 based on the amount that he delivered.

19 THE WITNESS: Yeah, for delivery. I wasn't
20 a salesperson. We just delivered water.

21 BY MR. CUMMINGS:

22 Q. For the delivery then, that would be the value of the
23 products delivered, is that correct?

24 A. Yes. I'm saying sales but I'm meaning delivery. We
25 just delivered water. We didn't have any like sales.